

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THE CENTURY FOUNDATION,

Plaintiff,

v.

No. 18-cv-1128-PAC

BETSY DEVOS, *in her official capacity*, and  
the UNITED STATES DEPARTMENT OF  
EDUCATION,

Defendants.

**DECLARATION OF TARIQ HABASH**

I, Tariq Habash, pursuant to 28 U.S.C. § 1746, hereby declare:

1. I am a resident of the District of Columbia, am over the age of 18 years, have personal knowledge of the facts set forth herein, and, if called and sworn as a witness, could and would testify competently hereto.

2. Since January 2016, I have been employed as a Policy Associate at The Century Foundation ("TCF"), the Plaintiff in this case, where I currently work as a Senior Policy Associate. Prior to my employment at TCF, I received a Bachelor of Arts in Economics and Political Science from the University of Miami and a Ed.M in Higher Education Policy from the Graduate School of Education at Harvard University. At TCF, my current research is focused on accountability and consumer protection in higher education.

3. TCF is a nonpartisan, non-profit section 501(c)(3) organization primarily engaged in disseminating information to the public. TCF's mission is to foster opportunity, reduce inequality, and promote security at home and abroad. To further its mission, TCF gathers

information, including through responses to FOIA requests submitted to government agencies, in order to inform the public through disseminating documents, reports, analyses, and commentary via, *inter alia*, its website, social media, press releases and other comments to the media, and regulatory comments to government agencies. TCF devotes substantial resources to ensuring that accrediting agencies comply with the standards for recognition and educating the public and engaging in advocacy to advance that objective.

4. TCF has its principal place of business at One Whitehall Street, New York, NY 10004.

5. In my capacity with TCF, I have testified at numerous public hearings held by the U.S. Department of Education on regulatory matters in higher education, including on matters regarding consumer protection and accountability in higher education.

6. I have also authored or co-authored numerous studies, commentaries, and reports on higher education including:

- a. College Complaint Unmasked: 99 Percent of Student Fraud Claims Concern For-Profit Colleges (Nov. 8, 2017) *available at*: <https://tcf.org/content/report/college-complaints-unmasked/>
- b. Department of Education Should Move Forward with Consumer Protections (July 12, 2017) *available at*: <https://tcf.org/content/commentary/departement-education-move-forward-consumer-protections/>
- c. These Colleges Deny Students Their Legal Rights (June 14, 2017) *available at*: <https://tcf.org/content/commentary/colleges-deny-students-legal-rights/>

- d. A Guide to Trump's Proposed Student Loan Changes (May 18, 2017) *available at:* <https://tcf.org/content/commentary/guide-trumps-proposed-student-loan-changes/>
- e. K-12 Private School Vouchers and College Pell Grants: An Ill-Fitting Comparison (Apr. 24, 2017) *available at:* <https://tcf.org/content/facts/k-12-private-school-vouchers-college-pell-grants-ill-fitting-comparison/>
- f. Filling in the Details of the Trump Student Loan Plan (Dec. 12, 2016) *available at:* <https://tcf.org/content/facts/filling-details-trump-student-loan-plan/>
- g. New Department of Education Regulations Big Win for Students' Rights (Oct. 28, 2016) *available at:* <https://tcf.org/content/commentary/new-department-education-regulations-big-win-students-rights/>
- h. Have Student Loan Guaranty Agencies Lost Their Way? (Sept. 29, 2016) *available at:* <https://tcf.org/content/report/student-loan-guaranty-agencies-lost-way/>
- i. New Rules to Protect Cheated Students (Aug. 5, 2016) *available at:* <https://tcf.org/content/commentary/new-rules-protect-cheated-students/>

7. In June 2016, I testified orally to the National Advisory Committee on Institutional Quality and Integrity ("NACIQI") regarding ACICS and the extent to which ACICS had met the Department's criteria for recognition of accrediting agencies.

8. I have also assisted my colleagues at TCF with written comments that have been provided to Department staff regarding the extent to which certain accreditors have met the criteria for recognition of accrediting agencies set by the U.S. Department of Education.



9. I have also been quoted, and my reports have been cited, in widely available publications regarding consumer protection issues in higher education, including the Chicago Tribune, the Washington Post, Inside Higher Ed, Slate Magazine, MarketWatch, Diverse: Issues in Higher Education, and the Huffington Post.

10. On January 23, 2018, I reviewed a “Call for written-third party comments” that was made available for public review in the Federal Register (hereinafter “the Solicitation”). I have since seen that the same notice was published in the Federal Register on January 24, 2018.

11. After reviewing the Solicitation, I drafted two requests (“Requests”) for documents and submitted those requests to the U.S. Department of Education pursuant to the Freedom of Information Act. The Requests were submitted on January 23, 2018 and sought expedited processing under FOIA and the Department’s regulations.

12. The first of the Requests sought information regarding an application for recognition as an accreditor by the Accrediting Council for Independent Colleges and Schools (“ACICS”). A true and correct copy of that request was attached to the Complaint in this case as Exhibit B [Dkt. No 9-2].

13. The second of the Requests sought information regarding a Compliance Report submitted by the American Bar Association (“ABA”). A true and correct copy of that request was attached to the Complaint in this case as Exhibit C [Dkt. No 9-3].

14. The Department acknowledged receipt of my requests by email on January 24, 2018.

15. On January 31, 2018, I inquired by email as to the status of my requests. A true and correct copy of that email was attached to the Complaint in this case as Exhibit D [Dkt. No. 9-4].

16. On February 1, 2018, I received a response to my January 31, 2018 email. A true and correct copy of the Department's response was attached to the Complaint in this case as Exhibit E [Dkt. No 9-5].


17. On February 6, 2018, I received two letters by email from the Department denying the requests for expediting processing of the Requests. True and correct copies of the February 6, 2018 denial letters were attached to the Complaint in this case as Exhibit F [Dkt. No. 9-6] and Exhibit G [Dkt. No. 9-7].

18. As of the signing of this Declaration, I have received no additional communications from the Department regarding my FOIA requests and have not received the documents requested.

19. Had TCF already received copies of the ACICS Application and/or ABA Compliance Report, I would have sought, in my capacity as an employee of TCF, to educate the public on the implications of the information and would have organized advocacy strategies to respond appropriately to these materials, including drafting and submitting comments to the Department.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2017.



Tariq Habash